

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**vs.**

**LIFE PARTNERS HOLDINGS, INC., BRIAN  
PARDO, R. SCOTT PEDEN, and  
DAVID M. MARTIN**

**Defendants.**

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§ Case No.: 1:12-cv-00033-JRN  
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**MOTION FOR LEAVE TO MAKE *IN CAMERA* SUBMISSION OF  
SUPPLEMENTAL INFORMATION IN SUPPORT OF PLAINTIFF’S  
RESPONSE IN OPPOSITION TO DEFENDANTS’ MOTION FOR SANCTIONS**

Plaintiff Securities and Exchange Commission (“Commission”) respectfully requests leave to submit, for *in camera* review, supplemental information in support of Plaintiff’s Response in Opposition to Defendants’ Motion for Sanctions.

The Commission has good cause for making this request. On July 2, 2012, Defendants filed a Motion for Sanctions against Plaintiff (the “Motion”). [Doc. No. 30]. On July 9, the Commission filed a Response in Opposition to the Motion (the “Response”). [Doc. No. 31]. In its Response, the Commission offered to provide additional detail about its investigation, information that it refrained from disclosing in the Response due its non-public nature. Response at p. 5. On July 20, 2012, the Court entered an order requiring Defendants to submit a transcript of the investigative testimony of Peter Cangany for *in camera* review. [Doc. No. 35]. Based on the Court’s interest in reviewing Mr. Cangany’s investigative testimony, the Commission believes that the information it seeks to provide may aid the Court in its disposition of the Motion.

The Commission seeks leave to submit the supplemental information for *in camera* review, due to its policy that its investigations are non-public. 17 C.F.R. § 202.5(a). The Commission has provided Defendants with copies of the proposed submission for conference purposes, subject to a confidentiality agreement.

Defendants oppose this motion for leave on the ground that the Commission does not agree that Defendants can file something in response to the proposed submission. In the Commission's view, the proposed submission does not invite or warrant any further briefing or argument. The proposed submission consists of a two-paragraph declaration that sponsors a two-page document generated in the course of the Commission's investigation. No supplemental briefing or argument is included with the proposed submission, and it does not raise grounds in opposition to the Motion that the Commission has not already presented in its Response.

Therefore, the motion is presented as opposed. If the Court grants this motion and determines that the proposed submission warrants further briefing from the parties, however, the Commission respectfully requests leave to file a reply, and that the Court require the parties to submit any such further briefing *in camera*, to preserve the non-public status of the proposed submission.

For the foregoing reasons, the Commission respectfully request leave to submit the proposed submission to the Court for *in camera* review. A proposed form of order granting this motion has been filed concurrently herewith.

DATED: July 26, 2012

Respectfully submitted,

/s/ Jason C. Rodgers

Jason C. Rodgers

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Commission

### **CERTIFICATE OF CONFERENCE**

On July 25 and 26, 2012, the undersigned conferred with counsel for Defendants concerning the substance of this Motion. Counsel for Defendants, Cass Weiland, Elizabeth Ying Ling, and Jason Lewis, stated that Defendants oppose the relief requested herein for the reasons stated in this Motion.

/s/ Jason C. Rodgers

Jason C. Rodgers

### **CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jason C. Rodgers

Jason C. Rodgers